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Attorney for Defendant Vance

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

BENJAMIN BARBER,

Plaintiff,
v.

MEAGAN VANCE, STATE OF OREGON,
et al.

Defendantss.

Case No.: 3:16-cv-02105-AC

**DECLARATION OF ERIN K. OLSON IN
SUPPORT OF DEFENDANT MEAGAN
VANCE'S MOTION FOR AN AWARD OF
ATTORNEY FEES AND COSTS
PURSUANT TO FED. R. CIV. P. 54(d)(2),
LR 54-3, 28 U.S.C. § 1927, and ORDER OF
COURT (Dkt #371)**

I, Erin K. Olson, make this declaration subject to penalty of perjury.

1. The facts set forth herein are within my personal knowledge except where otherwise indicated and, if sworn as a witness, I could and would testify competently thereto under oath.
2. I am the principal of the Law Office of Erin Olson, P.C., an Oregon professional corporation in Portland, Oregon.

**PAGE 1 – DECLARATION OF ERIN K. OLSON IN SUPPORT OF DEFENDANT
MEAGAN VANCE'S MOTION FOR AN AWARD OF ATTORNEY FEES**

3. I represent Meagan Vance in this action, and was retained by her on or about March 1, 2017.

4. I submit this declaration in support of Ms. Vance's second motion for attorney's fees. I have personal knowledge of the matters stated in this declaration and could competently testify to these facts.

5. Attached to this declaration as Exhibit 1 is a detailed itemization by task of legal services I performed in the proceedings in this Court, reflecting the amounts of time spent on each specified task by me. The itemization documented in Exhibit 1 is based on entries that I kept contemporaneously. As Exhibit 1 reflects, I billed for \$4,287.50 in fees incurred in this Court over the course of the representation, for 12.25 hours of legal work at \$350 per hour.

6. I was admitted to practice law in 1993 and have practiced for more than 24 years, all of which has been as a criminal or civil litigator. I am licensed to practice in four states and numerous federal jurisdictions including the United States Supreme Court. I started my private practice in 2004 after ten years as a state and federal prosecutor. My practice focuses on representing crime victims and victims of abuse. I am the past president of the National Crime Victims Bar Association. I founded the Oregon Crime Victims Law Center with other crime victim advocates in 2009, and I continue to serve as an active member of its Board of Directors. I was awarded the Legal Advocacy Award by the National Crime Victim Law Institute in 2012, and I am the 2017 recipient of the Frank Carrington Champion of Civil Justice Award presented by the National Crime Victim Bar Association.

7. I have significant experience in defending defamation and other claims under Oregon's anti-SLAPP law, Or. Rev. Stat. § 31.150. For example, I prevailed in securing relief under the anti-SLAPP statute in *Crain v. Smith et al.*, No. 09-10441 (Or. Cir Ct. 2010), *Kuhnhausen v.*

**PAGE 2 – DECLARATION OF ERIN K. OLSON IN SUPPORT OF DEFENDANT
MEAGAN VANCE'S MOTION FOR AN AWARD OF ATTORNEY FEES**

Somers, 233 Ore. App. 227, 224 P. 3d 708 (Or. App. 2009), and *Schwern v. Plunkett*, 845 F.3d 1241 (9th Cir. 2017). (In *Schwern v. Plunkett*, I litigated the case at the trial court and fully briefed in in the Court of Appeals before withdrawing; the defendant was represented by other counsel at oral argument before the Ninth Circuit and thereafter.)

8. My billing rate for this case was \$350 per hour, which was my established rate at the time the work was performed and was the rate agreed to by my client in our fee agreement.

9. The Oregon State Bar's 2016 Economic Survey shows a median hourly rate for a Portland-area attorney with 21-30 years of experience of \$394 per hour on average, a median rate of \$415/hour, \$475 per hour at the 75th percentile, and \$525 per hour at the 95th percentile. Adjusted for inflation, these hourly billing rates would equate to about \$412.63, \$434.62, \$497.46, and \$549.82 per hour, respectively, in 2018 dollars.

10. I am generally familiar with rates charged for legal services in Portland, particularly hourly rates among lawyers who focus their practices on victim's rights. I have submitted prevailing party attorneys' fee applications, including in cases awarding attorney's fees to my clients pursuant to Or. Rev. Stat. § 31.152(3).

11. I believe that the hourly rate I charged in this case is at or below the level of fees customarily charged by legal counsel in Portland for comparable work. My \$350 per hour rate is reasonable within the Portland legal community given my background, experience, and skill.

Dated: January 29, 2019.



Erin K. Olson, OSB No. 934776

**PAGE 3 – DECLARATION OF ERIN K. OLSON IN SUPPORT OF DEFENDANT
MEAGAN VANCE'S MOTION FOR AN AWARD OF ATTORNEY FEES**

CERTIFICATE OF SERVICE

I hereby certify that I have served a true copy of the foregoing document on the following by CM/ECF System Transmission:

Jesse B. Davis
Senior Assistant Attorney General
Department of Justice
100 SWMarket Street
Portland, OR 97201
jesse.b.davis@doj.state.or.us

I am unable to serve plaintiff because he is no longer residing at his last known address (Washington County Jail), I have received no notice of his current mailing address or residence, and I have been unable to locate a mailing or physical address for him despite diligent inquiry.

Dated: January 29, 2019.



Erin K. Olson, OSB No. 934776

**PAGE 4 – DECLARATION OF ERIN K. OLSON IN SUPPORT OF DEFENDANT
MEAGAN VANCE'S MOTION FOR AN AWARD OF ATTORNEY FEES**

Barber v. Vance

Exhibit 1

Date	Hrs:Mins	Employee	Task
4/8/2018	2:05	EKO	Researching Rule 8 dismissal standards and 28 USC 1927 sanction applications.
4/18/2018	1:05		Researching pre-filing orders under All Writs Act
4/19/2018	2:25	EKO	Drafting and efilng motion to seal docket #278 (Amended Complaint filed by plaintiff containing personal information about client) and motion to dismiss amended complaint.
4/19/2018	0:30	EKO	Finalizing and filing motion to dismiss amended complaint.
5/1/2018	0:10	EKO	Reviewing plaintiff's responses to motion to seal docket #278, motion for extension of time, and orders by Judge Acosta regarding same.
5/3/2018	0:05	EKO	Reviewing plaintiff's opposition to state's motion to dismiss.
5/6/2018	0:55	EKO	Drafting brief reply in support of motion to seal docket #278.
5/25/2018	0:25	EKO	Reviewing plaintiff's response to client's motion to dismiss (Docket #311) and numerous other filings; download Docket #314 due to likely sealing.
6/6/2018	0:10	EKO	Brief review of plaintiff's four filed documents.
6/6/2018	0:10	EKO	Drafting and filing brief reply in support of motion to dismiss (#322).
8/14/2018	0:05	EKO	Review motion filed by plaintiff and orders by judge.
8/24/2018	0:10	EKO	Review plaintiff's motions of 8/21/18 and motion to transmit part of record.
10/5/2018	0:05	EKO	Brief review of plaintiff's motions for injunction and orders regarding same.
10/9/2018	0:05	EKO	Brief review of plaintiff's motions regarding unsealing documents, grand jury, and arrest warrants and order regarding same.
10/10/2018	0:15	EKO	Reviewing Judge Acosta order re: recent motions, and F&R regarding state's and client's motions to dismiss (#341).
10/23/2018	0:05	EKO	Brief review of plaintiff's six motions filed 10/22-10/23.
10/25/2018	0:05	EKO	Brief review of order re: plaintiff's recent filings and additional filings by plaintiff.
11/18/2018	0:15	EKO	Reviewing plaintiff's objections to F&R and additional two filings.

Barber v. Vance

Exhibit 1

Date	Hrs:Mins	Employee	Task
11/19/2018	0:05	EKO	Reviewing judges' orders re: plaintiff's recent filings.
11/20/2018	0:15	EKO	Researching plaintiff's address, release date, contacting jail, and emailing client regarding same.
12/14/2018	0:25	EKO	Reviewing plaintiff's additional objections to F&R and two motions.
12/19/2018	0:05	EKO	Review of judge's order re: motions.
12/21/2018	0:05	EKO	Review of response to objections to F&R filed by state.
12/21/2018	0:05	EKO	Drafting and filing brief response to plaintiff's objections to F & R.
1/18/2019	0:05	EKO	Review Judge Simon's order and judgment.
1/29/2019	1:35	EKO	Prepare and file motion and declaration in support of attorney fees.
1/29/2019	0:30	EKO	Attempting to locate a current address for plaintiff (TLO, Odyssey, PACER, DMV) (billed at .5 time)
	12:15		